

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **DISTRICT OF NEVADA**

3   Marque Gardeley,

Case No. 2:22-cv-00223-APG-DJA

4                                   Petitioner,

**ORDER**

5   v.

6   State of Nevada, et al.,

7                                   Respondents.

8  
9           This habeas matter is before the Court on counsel Jessie L. Folkestad's motion to  
10 withdraw. ECF No. 27. I appointed Ms. Folkestad to represent Petitioner Marque Gardeley on  
11 April 6, 2022. ECF No. 13. I ordered Ms. Folkestad to file Gardeley's counseled amended  
12 petition within 90 days. *Id.* at 2. Ms. Folkestad has filed four motions for extension of time to  
13 file Gardeley's counseled amended petition. *See* ECF No. 26. Gardeley's counseled amended  
14 petition is currently due on June 5, 2023. *Id.* In her motion to withdraw, Ms. Folkestad  
15 represents that she will be accompanying her spouse, an active-duty military member, on their  
16 assignment and move to Italy. I find good cause to grant the motion to withdraw.

17           I THEREFORE ORDER that the motion to withdraw **[ECF No. 27] is granted.** Jessie L.  
18 Folkestad is released as counsel for Petitioner Marque Gardeley.

19           I FURTHER ORDER that Jean J. Schwartzer is appointed to represent Petitioner Marque  
20 Gardeley in these proceedings and in all future proceedings in this Court relating to this matter  
21 (including subsequent actions) and appeals therefrom, pursuant to 18 U.S.C. § 3006A (a)(2)(B),  
22 until allowed to withdraw. Ms. Schwartzer's contact information is as follows:

23           Jean J. Schwartzer  
          Law Office of Jean J. Schwartzer, Ltd.

1 411 E. Bonneville Avenue #360  
2 Las Vegas, NV 89101  
3 (702) 979-9941  
4 [Jean.schwartzter@gmail.com](mailto:Jean.schwartzter@gmail.com)


5 I FURTHER ORDER that Ms. Schwartzter enter a notice of appearance within 20 days of  
6 the date of this order and meet with Petitioner Marque Gardeley as soon as reasonably possible  
7 to: (a) review the procedures applicable in cases under 28 U.S.C. § 2254; (b) discuss and explore,  
8 as fully as possible, the potential grounds for habeas corpus relief; and (c) advise all possible  
9 grounds for habeas corpus relief must be raised at this time and that the failure to do so will  
10 likely result in the omitted grounds being barred from future review under the rules regarding  
11 abuse of writ.

12 I FURTHER ORDER that the June 5, 2023, deadline for the filing of a counseled  
13 amended petition is extended to August 18, 2023.

14 I FURTHER ORDER that the remainder of my April 6, 2022, scheduling order [ECF No.  
15 13] remains in effect except for the provision regarding hard copies of exhibits. Hard copies of  
16 exhibits shall not be provided.

17 I FURTHER ORDER that the Clerk of Court (1) send a copy of this order to Petitioner  
18 Marque Gardeley at Ely State Prison and reflect said transmittal either via the notice of  
19 electronic filing or on the docket, in a manner consistent with the Clerk's current practice, (2)  
20 electronically serve Ms. Schwartzter a copy of this order, and (3) electronically send Ms.  
21 Schwartzter all other filings in this matter by regenerating the notices of electronic filing.

22 Dated: May 19, 2023

23   
ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE